

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1047 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NAZIR KARIM

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

MR AJ DESAI, LD. APP for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 15/10/97

ORAL JUDGEMENT

The prisoner is present before this Court. Legal assistance has been rendered to the petitioner by Ms. A V Acharya, learned advocate.

2. Heard. The report which has been submitted to this Court inter-alia indicates that as per order of the Inspector General, Prisons, State of Gujarat, Ahmedabad rendered on 27/11/1995 the present prisoner was

transferred to District Jail at Junagadh on or around 24/1/1996 and thereafter on account of overcrowding in the said District Jail, he was transferred to Jail at Rajkot. He has sought his transfer back to the District Jail at Junagadh on the ground that his aged mother has been keeping ill and there is none to look after her and that he himself has not been keeping well on account of atmospheric effect. Whereas the ground of his own illness for the reasons stated by him cannot be accepted, there appears to be some substance in respect of the ground regarding illness of his aged mother. Beside Mr. A.J. Desai, Id. A.P.P. for the respondents submits under instructions from Mr. M.K. Pandya, Jail Superintendent, Rajkot that at present it is possible to accommodate the petitioner in the District Jail at Junagadh and therefore, there cannot be any objection in directing his transfer from the Jail at Rajkot to District Jail at Junagadh. He further submits that the State of Gujarat being party respondent, order of transfer might be passed instead of directing the I.G. Prison, Ahmedabad to pass appropriate order bearing in mind the fact that once I.G. Prison, Ahmedabad has already passed an order of the petitioner's transfer from District Jail Rajkot to District Jail at Junagadh.

3. Under the aforesaid circumstances, following direction is issued :-

The petitioner herein - Nazir Karim [convict no. 33844] might be transferred from the District Jail Rajkot to District Jail Junagadh. Rule made absolute in these terms.

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